

South Dakota Brand Board
Meeting Minutes
January 27, 2021

The South Dakota Brand Board met on January 27, 2021. Members present were Scott Vance, Myron Williams, Bart Blum, Dave Koupal and Lyle Spring. Brand Board staff present were Debbie Trapp, and Bob Haivala. Shorty Zilverberg attended the meeting remotely. The meeting was available via Zoom in keeping with the recommended social distancing for COVID 19.

Pres. Vance called the meeting to order.

Motion by Williams to adopt the agenda, second by Blum. Motion carried.

Motion by Koupal to approve minutes of the December 16, 2020 and January 6, 2021 meetings, second by Spring. Motion carried.

Trapp presented financial information as of December 31, 2020. Fund Balance - Brand Fund \$2,144,261.01; Brand Inspection Fund \$586,101.69; Theft and Prevention Fund \$234,684.75. Motion by Blum to approve Financial Report as presented, second by Spring. Motion carried.

Zilverberg did not have any specifics to report on for the Brand Enforcement report.

Trapp presented the Brand Inspection Report for December 2020: Livestock Markets – 220,950 head, Locker Plants 228 head, Locals – 95,207 head, Lifetime Horse Permits – 67 head, for a total of 316,452 head. FY 21 is #4 in comparison with the last seven years.

Trapp gave the Director's Report: Representative Sam Marty inquired about removing the option to register brands as Joint Tenants with Rights of Survivorship. Bob Haivala, Legal Counsel for the Board, advised that State Law allows property to be held as Joint Tenants, therefore, need to continue with option of Joint Tenants with Rights as Survivorship; Went to Belle Fourche Livestock on January 7th to work with brand inspectors – no issues or concerns observed - brand inspectors and sale barn staff worked well together; Wayne Fredrick, Rosebud Council Member and TLE Vice Pres., visited with Zilverberg and myself regarding cattle theft on tribal ground, policy changes they are implementing, and provided contact information for Rosebud; Brad McGirr requested list of brand owners as he is working with the State Fair Manager to do fundraising for the new livestock barn at the South Dakota State Fairgrounds in Huron - those donating may have their brand applied to the "Brand Wall"; Attended the Stockgrower's Legislative Mixer; Some brand inspectors helped work on Holds that had been submitted to office.

Bob Haivala, Legal Counsel for the Board, presented Use of Force Policy - Prohibiting Choke Holds - for law enforcement officers employed by the Brand Board as follows:
Definition: Choke Hold – A physical maneuver or technique that restricts an individual's ability to breathe for the purpose of incapacitation.

Policy: The use of choke holds is prohibited, except in situations where the use of deadly force is allowed by law.

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Motion by Koupal, second by Blum to adopt policy as read.

Hold Hearing BB #485 Philip Livestock – Six calves. Zilverberg assisted parties involved in resolving the hold. No action needed as ownership established.

Hold Hearing BB #339 – Philip Livestock – One BWF Cow. As no owner came forward to prove ownership, motion by Williams to escheat \$776.40 from Amount Held for Others to Unrestricted in the Theft and Prevention Fund, second by Spring. Motion carried.

Hold Hearing BB #391 – Belle Fourche Livestock – One Black Cow. Motion by Koupal, second by Williams to table until next meeting to obtain additional information. Motion carried.

Hold Hearing BB #424 – Faith Livestock – Eight Horses. As no owner came forward to prove ownership, motion by Blum to escheat \$2,061.22 from Amount Held for Others to Unrestricted in the Theft and Prevention Fund, second by Spring. Motion carried.

Hold Hearing BB #449 – St. Onge Livestock – One Cow. As no owner came forward to prove ownership, motion by Williams to escheat \$820.36 from Amount Held for Others to Unrestricted in the Theft and Prevention Fund, second by Spring. Motion carried.

Hold Hearing BB #451 - Presho Livestock – One Red Yearling Steer and One BWF Cow. As no owner came forward to prove ownership, motion by Koupal to escheat \$981.42 from Amount Held for Others to Unrestricted in the Theft and Prevention Fund, second by Blum. Motion carried.

Hold Hearing BB #453 – Ft. Pierre Livestock – One Black Heifer. As no owner came forward to prove ownership, motion by Spring to escheat \$928.66 from Amount Held for Others to Unrestricted in the Theft and Prevention Fund, second by Blum. Motion carried.

Hold Hearing BB #455 – Ft. Pierre Livestock – One Black Cow. As no owner came forward to prove ownership, motion by Williams to escheat \$816.82 from Amount Held for Others to Unrestricted in the Theft and Prevention Fund, second by Spring. Motion carried.

Open Comment: Haivala commented that he had become aware of a Horse Buying Station scheduled for January 27, 2021 at Buffalo SD and notified Director Trapp to verify brand inspections would be conducted. Zilverberg had contacted the Sheriff and confirmed brand inspections were schedule; Pres Vance informed the Board that notification had been received the day before, on January 26, 2021 from the Governor’s Office, that David Paul of Mud Butte had been appointed to the Brand Board. Paul replaces Bart Blum whose term was up. Pres. Vance stated that he appreciates everything Blum has done for the Brand Board. Zilverberg and Trapp expressed their gratitude to Blum for his service to the Brand Board.

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Motion by Vance to thank Blum for all his years of wisdom and service in serving as a member on the Brand Board, second by Williams. Motion carried.

Next Regular meeting set for March 3, 2021.

Motion by Koupal to enter into executive session pursuant to SDCL 1-25-2 (1 & 3) personnel and legal at 3:28 p.m., second by Williams. Motion carried. Came out at 4:18 p.m.

As no other business came before the board, Pres. Vance declared the meeting adjourned.

Scott Vance, President

Debbie Trapp, Executive Director

These minutes were filed for the record on _____.

NOT APPROVED